IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND THREE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 20908 of 2003

Between:

V.B.V.S.S. Anjaneya Sastry S/o Viswanadha sastry
Rangapuram PACS, Lingapalem mandal W.G. District

..... PETITIONER

AND

1 The District Cooperative Officer, Eluru West Godavari District
2 The Divisional Cooperative Officer, Eluru West Godavari District
3 The Rangapuram PACS, Rangapuram, lingapalem Mandal
West Godavari District rep by its Chairman/ Person-in-Charge Committee

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not paying full salary to the petitioner for the period from 1-2-2002 to January 2003 during which the petitioner placed under suspension though the same has been set aside by this Hon'ble Court vide Judgment made in WP No. 24927/2002, dt 13-2-2003 as highly illegal, arbitrary and violative of Art 14 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondent : GP FOR AGRICULTURE FOR R1 &2

MR.K.CHIDAMBARAM FOR R3

The Court made the following :

ORDER:

The petitioner is a Secretary of the 3rd respondent-Primary Agricultural Cooperative Society. It is stated that the said Society suspended his services vide its resolution dated 1.2.2002 which was questioned by him in W.P.No.24927 of 2002. This court allowed the writ petition while setting aside the said resolution and directed the respondents to re-consider the matter and reinstate the petitioner into service. Pursuant to the said order of this court, the petitioner was reinstated into service on 12.4.2003, but the subsistence allowance payable to the petitioner during the period of his suspension was not paid. It is stated that the petitioner filed representations dated

17.4.2003 and 30.6.2003 before the Society for the payment of subsistence allowance in accordance with law. But the said representations have not been disposed of either by the Society or by the 2nd respondent.

I am not inclined to give any direction against the Society since I have taken a view in W.P.No.3171 of 2003 and batch dated 30.8.2004 to the effect that no writ lies against the Society by its employee and they have to seek appropriate remedies available under the A.P. Cooperative Societies Act, 1964 and the relevant rules and regulations made therein. Since the second respondent being the statutory authority, it is just and proper for him to dispose of the representations, if any filed by the petitioner, in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing respondents 1 and 2 to consider and dispose of the said representations, if any pending, in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

15.9.2004

cvm

To,

1 The District Cooperative Officer, Eluru West Godavari District
2 The Divisional Cooperative Officer, Eluru West Godavari District
3 The Rangapuram PACS, Rangapuram, lingapalem Mandal
West Godavari District rep by its Chairman/ Person-in-Charge Committee

4 2 CCs to G.P. for Agriculture (OUT), High Court of A.P., Hyd.

5 2 CD copies.